

The regularly scheduled monthly meeting of the Municipal Authority of the Borough of Sinking Spring was opened on Tuesday, April 10, 2007, at 7:30 p.m., at the Sinking Spring Borough Hall, by Mr. Francis Butkus. The following Authority members were present:

Francis Butkus
Shawn Schwartz
Paul Roth (Absent)
Richard Biggs
Dennis Leiby

Others present were: Mr. Mike Sassaman, ARRO Consulting, Municipal Authority Engineer; Mr. John A. Hoffert Jr., Authority Solicitor; and Ms. Elizabeth White, Municipal Authority Secretary/Treasurer, who recorded the minutes of the proceedings. Council Representatives included; Mrs. Barbara Kutz.

APPROVAL OF MEETING MINUTES:

Mr. Butkus asked if everyone had a chance to look over last months meeting minutes and if there were any errors or corrections. Hearing none he asked for a motion to approve the minutes. Motion was made by Mr. Leiby; seconded by Mr. Schwartz. Motion carried.

ENGINEERS REPORT:

Mr. Sassaman presented the Engineers Report dated April 10, 2007. Copy attached.

Sewer System Televising Project:

Mr. Sassaman stated that this project is primarily complete and that ADS had asked for a substantial completion certificate. He stated that ARRO is processing that request, preparing a punch list and gathering ADS's documents. He also mentioned that they are requesting additional payment for overage on the length of the pipe inspection. He explained that these types of projects are bid by the foot and you never know exactly how many feet are going to be in everything. He stated that ARRO is going to review their request and verify the quantities before they come back to the Authority with a recommendation.

Mountain Home Road Sanitary System Additions Project:

Mr. Sassaman mentioned that APR Supply Company has returned their signed agreement and that Mr. Guitieri has also returned his signed agreement. Mr. Butkus stated that APR's was the last one. Mr. Sassaman stated that the Authority will have to let him or Mr. Morrison know what they want to do to proceed with that or if it was already given the OK to move ahead.

ENGINEERS REPORT: (Cont.)**Upgrade and Minor Wastewater Treatment Plant Expansion:**

Mr. Sassaman stated that the study has been completed and presented to the Authority and that copies were also given to the Borough. He mentioned that Mr. Morrison will continue to discuss it with the Authority.

Chapter 94 Report:

Mr. Sassaman stated that the Chapter 94 Report has been distributed to every body. He explained that the Chapter 94 Report is a report required by DEP to be submitted by the end of March every year. He stated that it looks at your last five years of flows to the plant and organic loadings to the plant and then uses population projections from the Borough and the other contributing municipalities to project out for the next five years. He stated that they do this to determine whether you are approaching your plant capacity or not.

Mr. Sassaman stated that the high flows that we have had over the last few years are now projected in about 2009 to cross our plant capacity. He stated that it is what DEP terms a projected hydraulic overload on the flow side. He stated that on the organic loading side they look at the peak monthly loading to the plant for each year and in 2006 our peak month organic loading was higher than our plant capacity so that puts us in a current organic overload and it also then projects out in around 2009 that we will exceed the plant organic capacity, so we are also in a projected organic overload. He stated that basically what this means is that we need to start to supply some information to DEP, they will review the report and probably come back and request a corrective action plan. He stated that we have started a lot of that work already with the I & I, televising and grouting work that has already been done and the fact that we have started the study portion of the expansion project, which are all steps in the right direction. He stated that those are all things that we would put in a corrective action plan and get back to DEP.

He stated that the thing that comes out of this Chapter 94 Report is that when developers want to make connections to the sewer system they like to go through what they call a planning module exemption. He stated that as long as it is a small development and you can report to DEP that you are not in a current or projected overload condition, either hydraulically or organically, they can grant the developer a planning module exemption. He stated that we had two of those come in during the month of March before the Chapter 94 Report was done and they were sent back to DEP stating that there was no hydraulic or organic overload currently or projected and that was true until the end of the month when the Chapter 94 Report for 2006 was completed. He stated that they may go through DEP that way or DEP may look ahead. What would then be required is DEP would come back to those developers and say 'you cannot have a planning module exemption you have to complete planning modules,' which is a lot of paperwork for the

ENGINEERS REPORT: (Cont.)

developers, and that then goes to DEP who looks at it and the progress that we have made and the things that we have done to our system toward eliminating the current or projected overload conditions, and then they have usually approved developments in small amounts.

Mr. Sassaman stated that we will wait until we hear back from DEP for their review of the Chapter 94 Report and when they do we would expect that they would say that they want a corrective action plan and then ARRO will prepare that and submit it to DEP and go from there.

Mr. Butkus mentioned that he had spoken to Mr. Morrison before he left for vacation and Mr. Morrison stated that the thing that probably triggered that one high month that is noted in the book was the fact that the televising crew stirred a lot of stuff up that was probably sitting for a long time and when they washed it loose it came down and impacted on the plant.

Mr. Sassaman mentioned that one of the best things that the operators can do, and he will talk to Mr. Hillibush about it, is that when you get a high reading like that for a month you should take a few more tests that month because if they turn out to be lower it will bring that average down and maybe gets you back down under. He stated that there is no requirement of how often you have to sample the wastewater coming into the plant, you really just do it at least once a month for Chapter 94 purposes. He stated that a lot of plants do it once a week along with their regular sampling but some do not because it costs you money to run those lab tests.

Eimco Equipment:

Mr. Sassaman stated that they just confirmed today that one of the parts was shipped on March 23rd and may already have been received. Mr. Butkus stated that it came Monday of last week. He stated that the second part of that, which is the speed reducer, is scheduled to be shipped on October 5th, 2007.

Letters:

Mr. Sassaman mentioned that a letter was sent on April 3, 2007 to the Authority regarding the review of the Sickafus Minor Subdivision for sanitary sewer details. He mentioned that there were a few minor comments for them to address. He also mentioned that we received a letter on March 23, 2007 from DEP noting the bioaugmentation solids handling process has been approved.

MR. JOHN HOFFERT - SOLICITOR:

Mr. Hoffert stated that he reviewed the letter from Mr. Binder and the letter which Ms. Reifsnyder had just delivered to us this evening relative to documents belonging and turned over to the Authority from Mr. Binder. He stated that he just wanted to clarify that the Right to Know or the Sun Shine Act permits any person to procure and review official documents of any Municipal Authority or Municipality, however, Mr. Binder's personal files are not an Authority document. He mentioned that when Mr. Butkus called him he indicated that Mr. Binder had turned over some items that he had stored and Mr. Butkus wanted to know if Mr. Hoffert wanted to go through them. Mr. Hoffert stated that he did not think that it was appropriate, however, in light of Ms. Reifsnyder's request he now believes that it is imperative that he segregate and look at Mr. Binder's file to make a determination, with the help of Ms. White. He stated that if there are documents in Mr. Binder's file that belong to the Authority then they should be kept in the Authority's files and are reviewable. He stated that it is very clear under the law that Mr. Binder's work in progress documents, day to day comments, etc. are his personal things and are not reviewable by an individual making a request because they are not official documents. He mentioned as an example that a tape of a meeting is not reviewable but the official minutes of the Authority that is reviewable. He stated that he is not recommending that any information be withheld but mentioned that the law of what is reviewable and what is not is very clear. Mr. Hoffert stated that next week he will attempt to fix a time to meet with Ms. White and go through Mr. Binders files. Mr. Butkus stated that those will be easy to find. He stated that they are from the original plant and include drawings and maps from 1964.

Mr. Hoffert stated that he doesn't want to infringe upon the privacy of Mr. Binder's personal file. He stated that since he has been with the Authority everything that he has seen and reviewed has been open, legitimate, and above board and will remain such as long as he is the solicitor. He stated that he would feel more comfortable if he reviewed them so that we do not miss anything for Ms. Reifsnyders request. Mr. Butkus stated that he did not have a problem with that. Mr. Butkus stated that he was going to bring the records in on Monday but did not get a chance and that he would try to get them to the Borough Hall tomorrow.

Mr. Hoffert mentioned that Ms. Reifsnyder also requested a copy of the Chapter 94 Report.

Mr. Butkus mentioned that we also received a request for information from Mrs. Kandis Moser. Ms. White mentioned that she did send a letter to Mrs. Moser on Thursday stating that she could have copies of the bills that she request at .25 per page or she could schedule a time to come in and review them. She also mentioned that Mrs. Moser called her today and stated that she would call again next week to schedule a time. Mr. Hoffert stated that it was fine and that we would address it when he came over to go through the files.

MR. FRANCIS BUTKUS - CHAIRMAN:

Mr. Butkus stated that as far as we are concerned we should keep moving ahead on the Mt. Home Road project. Mr. Leiby stated that is the impression he got from Council. Mr. Butkus stated that Mr. Fitzpatrick said the same thing and stated that there are no chains tied to us so we shall proceed with it and get it out for bid as soon as possible. Mr. Butkus asked Mr. Sassaman how soon we would be able to go for bid. Mr. Sassaman stated that he did not know the status of the plans and specs but he assumed that since the project has been around for a while, that all of that is completed and if it is we would be ready to advertise tomorrow but suggested that we wait until Mr. Morrison gets back from vacation. He stated that he would speak to Mr. Schlott Jr. tomorrow since he has been working on it and if everything is in line then we can advertise for bids, give the contractors approximately thirty days to pull bids together and we could possibly open bids at the next monthly meeting. Mr. Leiby made a motion to advertise for bids; seconded by Mr. Biggs. Motion carried.

Mr. Butkus asked Mr. Sassaman if he had any insight on the results of the televising that Severn Trent (ADS) did. Mr. Sassaman stated that typically they gather all of the recordings that they did, go through and review all of them and come up with a prioritized list of rehabilitation along with an estimated cost for each of the repairs. He stated that they will be prioritized on a scale of one, two and three, one being the worst. He stated that if the contractor is done with the project and all of the DVD's have been submitted then they should be able to get someone started on it and depending how big the project was they should have a report pulled together in a couple of months. Mr. Butkus stated that we should expedite this before the next high water time. Mr. Biggs asked if there were any indications as to what they were finding while they were televising. Mr. Butkus stated that he did not know. Mr. Sassaman stated that in the Chapter 94 Report it lists what Miller Environmental, Pipe Services and Severn Trent (ADS) had televised and how much I & I was fixed. Mr. Butkus asked Mr. Sassaman if he would go over the report in more detail. Mr. Sassaman went over the report page by page. A copy is on file in the Borough office.

Ms. White mentioned that she received an e-mail from Mr. Schlott Jr. which he received from Mr. Scull at Lower Heidelberg. The e-mail requested three copies of the Chapter 94 Report. Mr. Hoffert stated that ARRO should send them directly to Mr. Scull at Lower Heidelberg.

Mr. Butkus asked if there was anyone in the audience that wanted to address the Authority.

Mr. Hoffert stated that Ms. Reifsnyder requested information from Mr. Butkus prior to her letter of April 10, 2007. He stated that she requested all information pertaining to a transfer of EDU's from Sinking Spring to South Heidelberg that were given to Mr. Binder back in 2004. He stated that Mr. Binder purchased 68 EDU's for \$238,000.00 and the funds were received by the Municipal Authority of the Borough of Sinking Spring and the money was deposited to the

MR. FRANCIS BUTKUS - CHAIRMAN: (Cont)

Authority account on July 9, 2004. He also stated that there was a multi-municipal agreement relative to this which included the solicitors Heidi Masano, Socraties Georgiadis, and Jim Snyder in which all of the parties agreed to this and the transfer between the Robeson/Wernersville Authority so that homes could be built and the capacities were exchanged between the municipalities. He stated that he would be happy to make copies of the agreement for her. He stated that the agreement appears to be properly executed and properly agreed to and reviewed by council for all parties relevant to this matter. Mr. Butkus asked Ms. Reifsnyder if this agreement was not available from the Lower Heidelberg Municipal Authority and Supervisor files. Ms. Reifsnyder stated that it probably is but that she wanted to see it from our files.

Mr. Leiby asked if the gentleman in the back, that had been at the Council meeting asking questions, wanted to address the Authority with his questions. He stated that he and Mr. Nevitt had requested information last year that was not available. He stated that he and Mr. Nevitt had come to the Borough Hall last year and went through the files while in Ms. White's presence. Ms. White stated that they never told her that they did not find the information that they were looking for. She stated that they went through the files and requested that she make them copies of minutes and other documents, they paid for the copies and left. They never stated that they did not find what they were looking for nor did they send any other letters stating such to the Authority. He stated that a new letter would be sent out. Mr. Hoffert stated that what ever they need, as long as it meets the act, we will make sure that they get it.

APPROVAL OF BILLS:

Mr. Butkus stated that we have a bill from Mr. Hoffert for April '07' services for \$250.00. Motion was made by Mr. Leiby to pay the bill; seconded by Mr. Biggs. Motion carried.

Mr. Butkus stated that we have a bill from EIMCO for the parts that were already shipped and received for \$12,996.00. Motion was made by Mr. Leiby; second by Mr. Schwartz to pay the bill. Motion carried.

Mr. Butkus stated that we have five bills from ARRO Consulting totaling \$21,639.47. Mr. Butkus stated that the review of planning modules should be reimbursable and should be broken out by developer. Mr. Sassaman stated that he will get the breakdown. Motion was made by Mr. Leiby to pay the bills; seconded by Mr. Schwartz. Motion carried.

Mr. Butkus mentioned that a lot of these bills from ARRO are projects that the Borough should have done and didn't and now the Authority is paying for them and that is part of the erroneous \$40,000.00 that the Authority was accused of over costing the Borough.

APPROVAL OF BILLS: (Cont)

Mr. Butkus stated that we have a bill for \$300.00 from Ms. White for services rendered for March 2007. Motion was made by Mr. Leiby to pay the bill; seconded by Mr. Biggs. Motion carried.

Mr. Butkus stated that Ms. White should keep up the good work and that the minutes are the best they have ever had.

TREASURER'S REPORT:

Mr. Butkus asked if everyone had received a copy of the Treasurer's Report dated April 10, 2007 and if anyone had any questions. Hearing none he asked for a motion to accept the Treasurers Report. Motion was made by Mr. Schwartz to accept the Treasurer's Report; seconded by Mr. Leiby. Motion carried.

ADJOURNMENT:

Mr. Butkus asked if there was anything else for the good of the order.

Mr. Biggs made a motion to adjourn; seconded by Mr. Leiby. Motion carried.

Respectfully Submitted,

Elizabeth White
Municipal Authority Secretary/Treasurer